

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JEFFREY D. HILL,	:	
	:	Case No. 4:05-CV-1229
Plaintiff,	:	
	:	
v.	:	
	:	
EVELYN DERRICK,	:	
RICHARD SUTTON,	:	(Judge McClure)
JANE STUGART-OTTERBEIN,	:	
AND LORI CRESSMAN,	:	
	:	
Defendants.	:	

O R D E R

March 10, 2006

BACKGROUND:

On June 20, 2005, plaintiff Jeffrey D. Hill commenced the instant litigation by filing a pro se complaint in the Middle District of Pennsylvania. The complaint arises out of plaintiff's banishment from the Muncy Public Library. On November 3, 2005, we granted defendants' motion to dismiss in part, but allowed plaintiff's section 1983 claims, liberally construed as alleging violations of the First and Fourteenth Amendments, to remain against defendants Derrick and Cressman.

(Rec. Doc. No. 20.)

On February 27, 2006, Hill filed a motion to compel discovery and a brief in

support of his motion. (Rec. Doc. No. 49.) On March 8, 2006, defendants filed a brief in opposition that indicated Hill had failed to contact opposing counsel and make a good faith effort to resolve the discovery issue as contemplated by L.R.

26.3. Defendants also indicated that they have since provided Hill with the discovery he sought in the form of a supplemental answer. Therefore, Hill's motion for discovery is moot.

In his motion, Hill requests in the alternative that we levy sanctions. Hill failed to make a good faith effort with opposing counsel for the information he sought. Sanctions are not warranted under Fed. R. Civ. P. 37.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Hill's motion to compel discovery filed on February 27, 2006, is denied as moot. (Rec. Doc. No. 49.)

2. Hill's request in the alternative for sanctions is denied.

s/James F. McClure, Jr.
James F. McClure, Jr.
United States District Judge